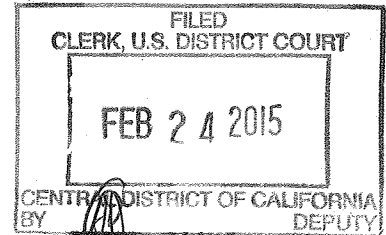


GREGORY J. MARCINSKI, JR.
Register No. 12582-050
Federal Correctional Institution
P.O. Box 1000
Otisville, NY 10963-1000
Plaintiff, pro se



No CV30

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

GREGORY J. MARCINSKI, JR.

Plaintiff,

v.

EXPERIAN INFORMATION
SOLUTIONS, INC.,

Defendant.

CV 15-01310-ODW(SSx)
Case No. 15-01310-ODW(SSx)

COMPLAINT

[Jury Trial Demanded]

Plaintiff Gregory J. Marcinski, Jr. ("Plaintiff"), pro se,
for his complaint against Defendant Experian Information
Solutions, Inc. ("Defendant"), states and alleges the follows:

INTRODUCTION

1. This is a lawsuit seeking redress under the Fair Credit
Reporting Act ("FCRA"), 15 U.S.C. § 1681, et seq. for unlawful
credit practices.

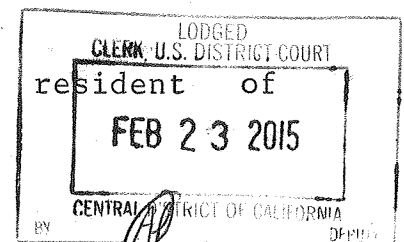
JURISDICTION AND VENUE

2. The Court has jurisdiction over the parties to this
action and the subject matter thereof under 15 U.S.C. § 1681p and
28 U.S.C. § 1331.

3. Venue is proper because the Defendant maintains its
corporate headquarters and conducts business within the district.

PARTIES

4. Plaintiff is a natural person and
Otisville, New York.



5. Defendant is an Ohio corporation that maintains its corporate headquarters in Costa Mesa, California.

FACTS

6. Plaintiff is a "consumer" as defined in the FCRA.

7. Defendant is a "credit reporting agency" as defined in the FCRA.

8. Defendant compiles and maintains credit information about consumers throughout the United States. As part of its business operations, Defendant prepares and furnishes credit reports on consumers to creditors and other authorized parties.

9. On May 4, 2012, Defendant provided Plaintiff with a copy of his credit report. Said report contained information indicating Plaintiff established credit card accounts with Merrick Bank in May 2006 and RBS Citizens Bank in September 2007, that delinquent balances were owed on each account, and that there was an open collection account with Portfolio Recovery Associates for a delinquent balance owed on an HSBC Bank Nevada credit card account (hereafter referred to collectively as "the accounts").

10. Plaintiff was incarcerated when the accounts were opened. Plaintiff did not open the accounts, did not authorize anyone to do so on his behalf, and did not incur any charges to the accounts.

11. On or about February 1, 2013, Plaintiff transmitted a request for investigation to Defendant in which he disputed that he was responsible for the accounts. Plaintiff further advised Defendant that he was a victim of identity theft and was

incarcerated when the accounts were opened.

12. On February 14, 2013, Defendant advised Plaintiff that because the disputed information had been previously investigated, his current request for investigation would not be processed unless he were to provide additional relevant information not presented previously.

13. On March 7, 2013, Plaintiff sent a detailed letter to Defendant explaining the basis for his disputes and included various documentation not previously presented to establish that he was incarcerated when the accounts were opened and used.

14. On March 20, 2013, Defendant provided Plaintiff with a copy of his credit report which showed a temporary "fraud alert" had been added. Defendant did not otherwise respond to Plaintiff's March 7, 2013 letter, nor did it investigate his disputes of the accounts.

15. The accounts were eventually removed from Plaintiff's credit file by the reporting creditors.

COUNT I

16. Plaintiff realleges and incorporates paragraphs 1 through 15 as if fully set forth herein.

17. Defendant has a duty under 15 U.S.C. § 1681i(a)(1) to conduct a reasonable investigation of a dispute by a consumer as to the accuracy of information appearing in their credit report.

18. Defendant breached its duty under 15 U.S.C. § 1681i(a)(1) by failing to conduct a reasonable investigation of Plaintiff's disputes submitted on or about February 1, 2013 and March 7, 2013.

19. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff suffered damages including, but not limited to, lowered credit score, damage to credit reputation, loss of credit opportunity, financial loss, and emotional distress.

WHEREFORE, Plaintiff respectfully moves for judgment in his favor and the following:

a. Actual damages in an amount determined at trial pursuant to 15 U.S.C. § 1681n(a)(1)(A) or, in the alternative, 15 U.S.C. § 1681o(a)(1);

b. Punitive damages in an amount determined at trial pursuant to 15 U.S.C. § 1681n(a)(2);

c. Attorney's fees and costs incurred pursuant to 15 U.S.C. § 1681n(a)(3) and/or 15 U.S.C. § 1681o(a)(2); and

d. Any further relief deemed just and proper by the Court.

COUNT II

20. Plaintiff realleges and incorporates paragraphs 1 through 15 as if fully set forth herein.

21. Defendant has a duty under 15 U.S.C. § 1681e to maintain reasonable procedures to assure the maximum possible accuracy of the information concerning the individual about whom a credit report is prepared.

22. Defendant breached its duty under 15 U.S.C. § 1681e by failing to maintain reasonable procedures to assure the accuracy of Plaintiff's credit report, where Defendant included inaccurate information therein indicating Plaintiff opened accounts and incurred delinquent balances with Merrick Bank, RBS Citizens

Bank, and Portfolio Recovery Associates, but Plaintiff did not open the accounts, nor incur the delinquent balances, and provided notice of same and supporting documentation to Defendant.

23. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff suffered damages including, but not limited to, lowered credit score, damage to credit reputation, loss of credit opportunity, financial loss, and emotional distress.

WHEREFORE, Plaintiff respectfully moves for judgment in his favor and the following:

a. Actual damages in an amount determined at trial pursuant to 15 U.S.C. § 1681n(a)(1)(A) or, in the alternative, 15 U.S.C. § 1681o(a)(1);

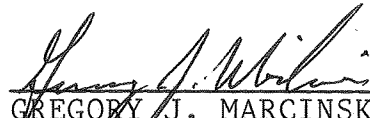
b. Punitive damages in an amount determined at trial pursuant to 15 U.S.C. § 1681n(a)(2);

c. Attorney's fees and costs incurred pursuant to 15 U.S.C. § 1681n(a)(3) and/or 15 U.S.C. § 1681o(a)(2); and

d. Any further relief deemed just and proper by the Court.

Respectfully submitted,

DATED: February 13, 2015




GREGORY J. MARCINSKI
Plaintiff, pro se

CERTIFICATE OF MAILING

I, Gregory J. Marcinski, hereby certify under penalty of perjury that the foregoing Complaint was placed in the outgoing mailbox for inmates at the Federal Correctional Institution in Otisville, New York, in a properly addressed envelope with sufficient first-class postage affixed thereon, for delivery to:

Office of the Clerk
United States District Court
312 N. Spring Street, Suite G-8
Los Angeles, CA 90012-4701

on February 13, 2015.



GREGORY J. MARCINSKI
Plaintiff, pro se

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

GREGORY J. MARCINSKI

(b) County of Residence of First Listed Plaintiff Orange (NY)
(EXCEPT IN U.S. PLAINTIFF CASES)

Gregory J. Marcinski, pro se

(c) Attorney's (Firm Name, Address, and Telephone Number)

Reg. No. 12582-050. P.O. Box 1000

Otisville, NY 10963-1000

DEFENDANTS

EXPERIAN INFORMATION SOLUTIONS, INC.

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER/STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
FEDERAL TAX SUITS <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609				

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. § 1681

Brief description of cause:

Violations of the Fair Credit Reporting Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S)

IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

02/13/2015

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

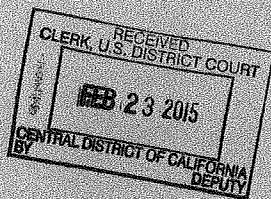
AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

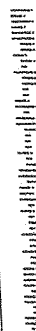
CV 15 - 01310



↔ 12582-050 ↔
Office Of The Clerk
U.S. District Court
312 N Spring ST
Suite G8
LOS Angeles, CA 90012-4701
United States

Gregory J. Merenda
133 Main Street
P.O. Box 1000
Oxnard, CA 93030

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